

July 29, 2020

VIA CM/ECF

The Honorable John G. Koeltl
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007-1312

**RE: State of New York, *et al.* v. U.S. Department of Education, *et al.*,
No. 1:20-cv-4260-JGK (S.D.N.Y.)**

Dear Judge Koeltl:

In preparation for the oral argument in this case scheduled for July 31, 2020, Plaintiffs the State of New York and the Board of Education for the City School District of the City of New York identified a misstatement in their opening Memorandum of Law (“Brief”) [ECF No. 19], and write to notify this Court of the error.

In the Brief, Plaintiffs inadvertently stated that SUNY Downstate Health Sciences University’s hospital was “currently” a COVID-only site. Br. at 14. In fact, the hospital’s designation as a COVID-only facility, which went into effect on March 28, 2020, was lifted by Governor Cuomo on June 5, 2020. *See* Statement on University Hospital of Brooklyn Designated by Governor Cuomo as a COVID-19 Only Facility (Mar. 28, 2020), https://www.downstate.edu/news_releases/2020/03-28-2020.html; A Message From President Riley and University Hospital of Brooklyn Interim Managing Director Patricia Winston About UHB Suspension As COVID-19 Only Facility (June 8, 2020), https://www.downstate.edu/news_releases/2020/06-08-2020.html. The declaration of Victoria A. Ajibade [ECF No. 20-17], which Plaintiffs cited, Br. at 14, does not contain the error.

Sincerely,

/s/ Joseph Wardenski
Joseph Wardenski, *Senior Trial Counsel*
Office of the New York State Attorney General
28 Liberty Street
New York, NY 10005
Phone: (212) 416-8441
Joseph.Wardenski@ag.ny.gov

Attorney for Plaintiff the State of New York